REMARKS

SPECIAL STATUS

This application has been pending for over eight years, i.e. since August 10, 1999. Accordingly, it is entitled to "special" status under MPEP 708.01(l). Applicant therefore looks forward to expedited examination of this application.

INTERVIEW SUMMARY

Applicant appreciates the opportunity to discuss the claims and the cited art at the personal interview of January 7, 2008, which was attended by Applicant's representative, Faustino A. Lichauco, John McDonough, a named inventor, Elda Milef, examiner, and Kambiz Abdi, SPE. The cited art and claims were discussed. No agreement was reached.

SPECIFICATION

Applicant amends the specification to address the objection raised to the incorrect reference numeral on page 5, line 22.

CLAIM OBJECTIONS

Applicant amends the claims to include the required semi-colons. Accordingly, Applicant requests reconsideration and withdrawal of the claim objections.

CLAIM AMENDMENTS

Applicant amends the claims to overcome all claim objections and section 112 rejections.

Applicant further amends the independent claims to recite the limitation that the browser that displays the view and information to the pretender differs from the browser that displays the view and information to the particular party. Since the browsers are different, it follows that the pretender's session and the particular party's session must be separate.

The amendment is consistent with Applicant's FIG. 1, which shows two separate and distinct browsers, a first browser **29b** associated with the pretender and a second browser **17b** associated with the particular party.

SECTION 112 REJECTIONS

Claims 91, 100, 109 stand rejected under section 112 because the specification allegedly fails to disclose a benefits account.

In response, Applicant removes the benefits account from the Markush group.

Claims 83, 92, and 101 stand rejected under section 112 because the phrase "receiving, through the second web page generated by the first code, information selecting an application from a set of applications" is allegedly unclear. In particular, the Examiner states that it is unclear how information can select an application.

In response, Applicant draws attention to FIG. 5, which shows three applications, one of them being selected by a clicked radio button. The fact that the leftmost radio button is clicked is itself information. This information is information that selects an application, namely the NetBenefits application, from a set of three applications.

Claims 85, 95, and 104 stand rejected under section 112 because "the session" lacks antecedent basis. Accordingly, Applicant amends the claims to provide the necessary antecedent basis.

Claim 85 stands rejected under section 112 because the language "pretender with the first code" is allegedly confusing. In response, Applicant deletes the offending language as unnecessary to particularly point out and distinctly claim the subject matter of the invention.

Claim 83 also stands rejected under section 112 because of its inclusion of the language "substantially similar" in connection with the view and information displayed to the pretender on the third web page. The Examiner's position is that "similar" is vague and that "substantially similar" is more vague.

In response, Applicant amends claims 83, 92, and 101 in a manner consistent with the specification at page 11, lines 22-24. As amended, the third web page displays to the pretender a view and information that is the same as that that would be displayed to the particular party.

Among the concerns the Examiner raised at the January 7 interview was that "information" meant only the textual content of a document, and not the manner in which textual content was displayed. Thus, the Examiner's position was that the information presented in a typical GUI includes two components: (1) the textual component; and (2) a non-textual component that includes information other than the textual component, e.g. the manner in which the text is arranged, and any other graphical elements on the display. The term "view and information" is thus intended to include the union of these two components.

In construing the claim limitation, Applicant draws attention to the possibility that the third web page will display to the pretender additional information beyond what would be displayed to the particular party. For example, in the exemplary "third web page" of FIG. 6, a banner **47** indicates to the pretender that he is pretending to be someone else (i.e. the particular party). No such banner would be visible to the particular party. However, the remaining information in the third web page would be visible to the particular party.

SECTION 103 REJECTION OF CLAIM 83

Rich[1] teaches a system in which a *server* pretends to be a user. This differs from Applicant's FIG. 1, in which a *user* pretends to be another user.

As will be apparent below, this basic architectural difference results in a fundamental mismatch between *Rich* and the claimed subject matter.

***Rich* fails to teach receiving "pretender identification information"**

The very first step of claim 83 requires "receiving, through a first web page…pretender identification information." The plain meaning "pretender identification information" is information that somehow identifies the pretender.

According to its abstract, *Rich* teaches a system in which a web server **18** impersonates a user **10**.[2]

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[1] *Rich*, US 5,918,228.

At the interview, the SPE indicated that an Examiner should not rely solely on the abstract to understand the teachings of a reference. In recognition of this, Applicant provides additional evidence to support the proposition that, in *Rich*, it is the *web server* **18** that impersonates the user.

That the web server **18** must correspond to the claimed "pretender" is also apparent from the title of *Rich*: "A Method and Apparatus for Enabling a *Web Server* to Impersonate a User".

Nothing could be more apparent, from a close reading of the entire *Rich* specification, that it is the web server that impersonates the user. Nowhere does *Rich* even come close to suggesting that a user impersonates the web server, or that a user impersonates another user.

Even *Rich*'s claims state that it is the web server that does the impersonating. For example, *Rich*'s claim 1 recites "[a] method…for enabling a *Web server* to impersonate a Web client."

Thus, the abstract, title, specification, and claims of *Rich* paint a consistent picture. In that picture, it is the *web server* **18** that is the impersonator. In the face of the considerable body of evidence within the four corners of *Rich*, it is inconceivable to suggest that anything other than web server **18** could possibly correspond to claim 83's "pretender."

Having established that claim 83's "pretender" can be none other than *Rich*'s web server **18**, the Examiner must now identify what corresponds to step (1) of claim 83. This requires that the Examiner:

1. identify information in *Rich* that identifies the *Rich* web server **18** (i.e., the "pretender"), and
2. show that, in *Rich*, this information is somehow received through a web page.

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[2] *Rich*, abstract, lines 1-2.

The Examiner has made an attempt to support the proposition that *Rich* teaches "receiving, through a first web page…*pretender* identification information." In particular, the Examiner draws attention to *Rich*, col. 5, lines 37-60 as proving that *Rich* teaches the foregoing "receiving" step.

The first step in analyzing the cited passage is to identify what might correspond to claim 83's "identification information" within that passage.

The Examiner has not explicitly identified what is regarded as corresponding to claim 83's "identification information." However, the only plausible items of "identification information" referred in that passage are the "userid and password from the user" and the user's DCE credentials.

In both cases, the alleged "identification information" would identify the *user* **10** and not the web server **18**. For example, the "userid and password *from the user*"[3] is clearly "from the user" not "from the web server". Similarly, according to the cited passage, "[t]he PathCheck checks with the session manager **27** to determine whether *the user* [and *not* the web server] has appropriate DCE credentials."[4] It is therefore quite plain that the DCE credentials, like the userid and password, identify the *user*, *not* the web server.

As discussed above, in *Rich*, it is the web server **18** that plays the role of claim 83's "pretender." Neither of the above items of identification information identify the web server. They only identify the user. This is manifestly inconsistent with the claim, which refers to "*pretender* [i.e., web server] identification information" and not "particular party [i.e., user] identification information."

The secondary reference, *Anupam*,[5] lacks anything that could remotely be viewed as a "pretender." Accordingly, it too lacks any "pretender identification information." Therefore,

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[3] *Rich*, col. 5, line 52.
[4] *Rich*, col. 5, lines 47-48.
[5] *Anupam*, US 6,687,739.

Anupam fails to remedy the deficiency in the teaching of *Rich*. Thus, even if one were to somehow combine *Rich* and *Anupam*, the result would still fail to yield the claimed invention.

Rich fails to teach using pretender identification information to identify available applications

Claim 83 further requires that the pretender identification information be used "to identify a set of applications available to the pretender."

Before it can be said that *Rich* teaches this limitation, the Examiner must

a. identify what, in *Rich*, would play the role of claim 83's "set of applications"; and

b. show how information identifying the web server **18** would play a role in identifying which of those applications are available to the web server **18**.

As best understood from the office action, the Examiner regards *Rich*'s server application functions (SAFs) as playing the role of claim 83's "set of applications."

However, *Rich*'s system does not use any information, much less "pretender identification information," to identify which server application functions are available to the web server **18**. In fact, it appears that any server can use any server application function. There is no indication in *Rich* that a server must somehow provide certain identification information before it can use a server application function.

User and server do not see same "view and information"

Claim 83 recites the further limitation of

> causing the first code to generate a third web page that displays, to the pretender, a view and information that is the same as a view and information of a web page that would be displayed to the particular party were the particular party to access the account through a selected application.

The Examiner suggest that this claim limitation is met because the distributed file system features a "uniform global filespace which allows all DFS client users to see the same view of the filespace."[6]

Applicant points out that the claim requires generating a third web page, and this web page should display, to the *pretender* (i.e. *Rich*'s web-server), the same view and information that would be displayed to the particular party (i.e., *Rich*'s user).

Rich fails to teach generating "a [] web page that displays" to the web server **12** "a view and information of a web page that would be displayed to the" user **10**. This is not surprising. After all, *Rich*'s web server **18** is simply an unattended computer that automatically retrieves files on behalf of users by impersonating those users. It would make no sense to ever generate a web page for display on an unattended web server since there would be nobody there to see it.

Anupam fails to remedy any of the foregoing deficiencies in the teaching of *Rich*. Accordingly, even if *Rich* were to be combined with *Anupam*, the result would still fail to meet the limitations of claim 83.

Claims 92 and 101 include limitations similar to claim 83 and are patentable for at least the same reasons. The remaining claims are all patentable for at least the same reasons as their respective parent claims.

Motivation to combine *Rich* and *Anupam* is flawed

The Examiner proposes that one of ordinary skill in the art would have found it obvious to modify *Rich* as taught by *Anupam* "to gain access to a private collaborative session."

In fact, one of ordinary skill in the art would have immediately recognized that *Anupam*, without any modification whatsoever, *already* provides access to a private collaborative session. Thus, one of ordinary skill in the art who, as the Examiner proposes, wanted to "gain access to a

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[6] *Rich*, col. 5, lines 4-6.

private collaborative session" would have had no reason to modify *Rich*. Instead, he would have simply followed the teaching of *Anupam*.

A proper section 103 rejection requires that the Examiner articulate some plausible basis for combining the references. In this case, all the Examiner has done is state that it would have been obvious for one of ordinary skill in the art to combine two references (*Rich* and *Anupam*) to achieve a function that is already achieved by one of those references (*Anupam*). This circular reasoning hardly rises to the level required for a proper section 103 rejection.

SECTION 103 REJECTION OF CLAIMS 84, 93, and 102

Claim 84 recites the additional limitation of authenticating the pretender in response to receiving pretender identification information.

In analyzing this claim in view of *Rich*, it is critical to keep in mind which structure in *Rich* plays the role of "pretender" and which structure plays the role of "particular party." As discussed in detail above, in *Rich*:

1. The web server plays the role of "pretender" and
2. Each user plays the role of a "particular party."

Rich teaches authenticating users, but not the web server. Since the "pretender" would correspond to the web server, *Rich* cannot possibly teach authenticating the pretender.

Accordingly, *Rich* fails to teach claim 84's additional step of authenticating a *pretender*. Therefore, even if one were to combine *Anupam* and *Rich*, the result would still fail to meet all the limitations of claim 84.

Claims 93 and 102 recited similar limitations and are patentable for at least the same reasons.

SECTION 103 REJECTION OF CLAIMS 85, 94, AND 103

Claim 85 recites the additional limitation of

> "retrieving access information that identifies applications that are available…for use by the authenticated pretender."

As best understood from the citation of col. 5, lines 61-67, the Examiner regards the "user credential" as corresponding to the "access information" of claim 85. According to the cited passage, the "user credential" is used "to retrieve DFS documents on behalf of the user."[7]

The Examiner appears to have mixed up the roles of the web server and the user. As discussed above:

1. the web server is the claim's "pretender" and
2. the user is the claim's "particular party."

It is quite plain that the *Rich* user credentials have nothing to do with permitting access to an application available for use by an authenticated pretender. *Rich* unequivocally states that the user credential is intended to allow access to a file by a *user*, not a pretender.

Furthermore, the user credentials allow the user to access DFS documents, not applications.

Claim 85 also recites the limitation of

> "providing to a computing system associated with the pretender, the retrieved access information for storage in an access information field of a text file associated with the session of the pretender."

On page 9 of the action, the Examiner quotes certain language from *Rich* that allegedly teaches this limitation. The cited language lists properties of distributed computing environments. Among these properties are that such environments permit sharing of certain resources, including files.

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[7] *Rich*, col. 5, lines 65-66.

The claim limitation does not recite DCE systems; it recites storing certain access information in a field of a text file associated with a session of a pretender (i.e. *Rich*'s web server in *Rich*). The cited text is utterly irrelevant to storing access information in a text file.

The Examiner has cited certain other passages. However, it is unclear what in any of those passages would correspond to "a text file associated with the session of the pretender." In the interest of expediting prosecution, Applicant requests that the Examiner identify specifically what is believed to correspond to "a text file associated with the session of the pretender" and where the "access information field" of that text file is to be found.

Claims 94 and 103 recited limitations similar to claim 85 and are patentable for at least the same reasons.

SECTION 103 REJECTION OF CLAIMS 86, 95, AND 104

Claim 86 recites limitations that are different from those of claim 85. In particular, claim 86 assumes a hierarchy in which certain programs are "associated with a selected application." This is different from claim 85, which omits any mention of an association between programs and applications.

On pages 8-9 of the Office Action, the Examiner discusses where *Rich* allegedly teaches the limitations of claim 85. However, the Examiner omits any discussion of where *Rich* teaches the limitations of claim 86. In view of the non-trivial distinction between claims 85 and 86, this deficiency renders the Office Action incomplete. Accordingly, under the circumstances, it would be improper to make any subsequent action final.

Claims 95 and 104 include limitations similar to claim 86. Accordingly, these claims are patentable for at least the same reasons as claim 86.

SECTION 103 REJECTION OF CLAIMS 90, 99, and 108

Claim 90 recites the additional limitation that the pretender identification information comprise "a user identifier and authenticator."

It is unclear where the Examiner has identified this limitation in either *Rich* or *Anupam*. *Rich* teaches a user identifier associated with the *user* but *not* with the *web server*.

Claims 99 and 108 include limitations similar to claim 90. Accordingly, these claims are patentable for at least the same reason as claim 90.

SUMMARY

Now pending in this application are claims 83-109, of which claims 83, 92, and 101 are independent. Please apply the charge for the Petition for One-Month Extension of Time, along with any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 08575-048001.

Respectfully submitted,

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